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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,283	12/21/2000	Gunnar Hagen	P00,1754	9977
7590	07/09/2004		EXAMINER	
Kevin R. Spivak Morrison & Foerster LLP 2000 Pennsylvania Avenue N,W Washington, DC 20006-1888			WON, MICHAEL YOUNG	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/720,283	<b>Applicant(s)</b> HAGEN, GUNNAR	
	<b>Examiner</b> Michael Y Won	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-7-04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In response to amendment A, claims 1-9 have been cancelled and new claims 10-19 have been examined. Claims 10-19 are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hou et al. (US 6,324,184 B1).

### **INDEPENDENT:**

As per claim 10, Hou teaches a method for dynamic bandwidth assignment (see col.3, lines 14-19) in an ATM transmission system (see col.6, lines 26-30 and col.7, lines 15-19) having a hub station (see Fig.2, #230 and col.3, lines 46-49) and at least one remote station in communication with each hub station (see Fig.2, #250, #252, #254; and col.3, lines 21-25), the method comprising the steps of: acquiring local fill data,

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which reproduces states of buffers in each remote station (see Fig.3 and col.4, lines 20-39; col.8, lines 29-38; and col.9, lines 34-44); forwarding the fill data to the hub station (inherent); calculating bandwidth parameters in each remote station for a transmission from another remote station to the hub station as a function of the fill data (see col.9, lines 47-60); and assigning the calculated bandwidth parameters to each remote station (see col.2, lines 36-46; col.5, lines 7-9; col.8, lines 7-14; and col.10, lines 47-48 & 59-61).

As per claim 15, Hou teaches of an ATM system (see col.6, lines 26-30 and col.7, lines 15-19) comprising a hub station (see Fig.2, #230 and col.3, lines 46-49) and at least one remote station in communication with the hub station (see Fig.2, #250, #252, #254; and col.3, lines 21-25) via an air interface (see col.3, lines 28-33: "satellite networks"), the system comprising: a buffer in each remote station (see col.8, line 36: "subscriber unit buffer"), the buffer capable of dispatching data therefrom (inherent); a control channel in each remote station (see Fig.2), the control channel capable of sending fill data which reproduces the state of the buffer of a remote station to the hub station (see Fig.3 and col.4, lines 20-39; col.8, lines 29-38; and col.9, lines 34-44); and an arithmetic unit capable of calculating bandwidth parameters for each remote station at least as a function of the fill data (see col.9, lines 47-60), whereby the hub station (see Fig.5, #510) assigns bandwidth parameters to each remote station via the control channel (see col.2, lines 36-46; col.5, lines 7-9; col.8, lines 7-14; and col.10, lines 47-48 & 59-61).

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**DEPENDENT:**

As per claims 11 and 15, Hou further teaches wherein the step of calculating comprises calculating MAC parameters and assigning them to each remote station (see col.4, lines 40-44 & 58-60; col.5, lines 7-9; and col.6, lines 16-17).

As per claims 12 and 16, Hou further teaches wherein the step of calculating bandwidth or MAC parameters further comprises using predetermined connection or transmission parameters, which reproduce actual current characteristics of the air interface (see col.2, lines 44-46).

As per claims 13 and 18, Hou teaches of further comprising the step of using the fill data to provide information on a frequency with which a predetermined fill of the buffer to each remote station has been exceeded within a past period (see col.8, lines 42-59).

As per claim 14, Hou teaches of further comprising the step of storing the calculated bandwidth parameters for a number of cycles (see col.11, lines 50-57).

As per claim 19, Hou further teaches wherein the hub station comprises a circular buffer for storage of bandwidth parameters of a number of cycles accessible by the arithmetic unit in order to achieve a predetermined regulation characteristic of the bandwidth assignment (see Fig.5 and col.11, lines 50-57).

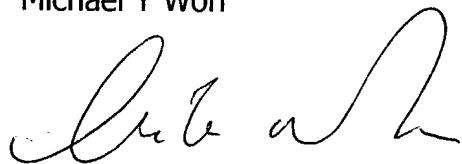
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



July 7, 2004



HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER